

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

WILLIAM G. CLOWDIS, JR.,

Plaintiffs,

v.

Civil Action No. 3:15cv128

JOEL JEREMY SILVERMAN,  
et al.,

Defendants.

**ORDER**

Having reviewed the MOTION TO PROCEED *IN FORMA PAUPERIS* AND FINANCIAL AFFIDAVIT (Docket No. 1), the proposed COMPLAINT FOR MANDAMUS AND DAMAGES (Docket No. 1-1), the PLAINTIFF'S MOTION AND PROPOSED ORDER TO FILE UNDER SEAL (Docket No. 1-2), and the supporting memorandum (Docket No. 1-3), and it appearing that the plaintiff submitted, on March 28, 2015, the required written certification pursuant to Local Civil Rule 83.1(M)(2) that the documents filed with the Court had been prepared with the aid of an attorney, Richard Fedder, Esquire, of Marietta, Georgia, and it further appearing that, under Local Civil Rule 83.1(M)(1):

Any attorney who prepares any document that is to be filed in this Court by a person who is known by the attorney, or who is reasonably expected by the attorney, to be proceeding *pro se*, shall be considered to have entered an appearance in the proceeding in which such document is filed and shall be subject to all rules that govern attorneys who have formally appeared in the proceeding. (emphasis added)

And, it further appearing that Mr. Fedder is not a member of the bar of this Court and that he is required to obtain local counsel before he may be admitted *pro hac vice* and thereby continue with the representation in this case, it is hereby ORDERED that the MOTION TO PROCEED *IN FORMA PAUPERIS* AND FINANCIAL AFFIDAVIT (Docket No. 1) is granted; provided, however, that the Clerk shall not serve the COMPLAINT FOR MANDAMUS AND DAMAGES (Docket No. 1-1) until: (1) local counsel shall have entered an appearance herein and has reviewed the COMPLAINT FOR MANDAMUS AND DAMAGES and affixed signature thereto as required by Fed. R. Civ. P. 11; and (2) Mr. Fedder has been admitted *pro hac vice*. It is further ORDERED that, by April 24, 2015, Mr. Fedder make application for *pro hac vice* status and retain local counsel.

Further, having reviewed the PLAINTIFF'S MOTION AND PROPOSED ORDER TO FILE UNDER SEAL (Docket No. 1-2) and the supporting memorandum (Docket No. 1-3), and finding that the

plaintiff, in the COMPLAINT FOR MANDAMUS AND DAMAGES (Docket No. 1-1) has placed in issue the very conditions which he seeks to protect by virtue of the effort to seal the records herein, and finding that sealing of the file, the Complaint and the records herein has not been justified under the provisions of the applicable Local Rules or the applicable law of the circuit, it is hereby ORDERED that the PLAINTIFF'S MOTION AND PROPOSED ORDER TO FILE UNDER SEAL (Docket No. 1-2) is denied without prejudice to seeking the filing under seal of a considerably more limited nature. In that regard, the plaintiff is advised that the reliance upon the Health Insurance Portability and Accountability Act ("HIPAA") does not in any way supplant the applicable law of the circuit respecting confidentiality of pleadings and the sealing of pleadings.

The Clerk is directed to send a copy of this Order to Joel Jeremy Silverman and to Richard Fedder at the address shown in the Certification.

It is so ORDERED.

\_\_\_\_\_  
/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: April 3, 2015